

# BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

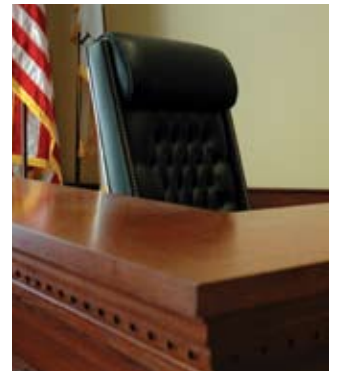
“Litigation  
Boutique of  
the Year.”

*American Lawyer*



“Unique Model.  
Unmatched  
Results.”

*American Lawyer*



“An unparalleled  
record of success.”

*National Law Journal*



“The nation’s  
leading defense  
boutique.”

*National Law Journal*



## A FIRM OF TRIAL LAWYERS

**“They try their cases, not just litigate them.”**

*American Lawyer*

**“More super-sized trials in five years than any other U.S. firm.”**

*Euromoney Legal Publications*

**“Near monopoly on lawyers with trial experience.”**

*American Lawyer*

**“A roster of litigation stars.”**

*National Law Journal*

**“Each time they bring a new lawyer out, you think, ‘My goodness, this guy is just as good as the last guy.’”**

*James Grasty,  
Assistant General Counsel, Merck*

**“Even the rookies at Bartlit Beck ... are heavy hitters”**

*American Lawyer*

**“It was like this firm just dropped from heaven.”**

*Thomas Sager,  
General Counsel, DuPont*

We are a firm of trial lawyers, not litigators. Our lawyers are in court trying cases, examining witnesses and arguing to judges and juries on a regular basis. We approach pre-trial discovery as a tool to help prepare us to tell a convincing story at trial, not as an end in itself. We do not waste time on activities that build up hours but are unlikely to contribute to a successful outcome.

Ask the lawyers handling your most important matters how many cases they've actually tried to verdict. Our young lawyers have tried more cases than most senior lawyers at the large firms.

Bartlit Beck is one of the most selective firms in the country, hiring only a few top candidates each year. Our firm has remained relatively small to maintain its quality. We don't hire laterals. We grow our lawyers from within. Our lawyers get “on their feet” experience early and often.

Compare our collection of resumes to any firm in the country. You won't find any better.

- 55% Federal judicial clerks
- 20% U.S. Supreme Court clerks
- 10% Graduated first in their class
- 10% Editor-in-Chief of their Law Review
- Rhodes Scholars, Marshall Scholars, PhDs

Of course, not all cases go to trial. But we have found that our clients get the best settlements when the opposition is convinced that we will go to trial. With our recognition as a premier trial firm and our preparedness to go to trial, our clients get a substantial advantage at the settlement table as well. Good trial lawyers get good settlements.



## EXPERIENCE THAT'S HARD TO COME BY

**“Trials are on the verge of extinction.”**

*New York Times*

**Less than 2% of federal civil cases go to trial.**

*Administrative Office of the United States Courts*

**“The disappearing trial has created a troubling ripple effect for the legal profession: rapidly dwindling opportunities for lawyers to hone their litigation skills, resulting in a generation of young attorneys who have rarely – if ever – stepped foot in a courtroom.”**

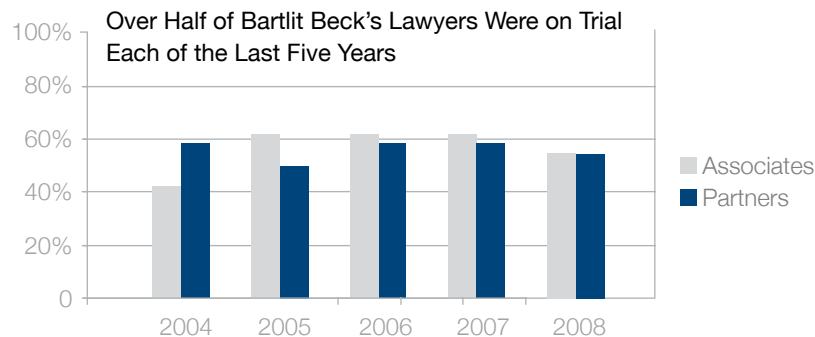
*Boston Globe*

**“Few civil practitioners entering practice today can reasonably expect to try a significant number of cases over their entire careers.”**

*Boston Globe*

With trials becoming increasingly rare, it is difficult to find lawyers with trial experience. The truly seasoned professional trial lawyer is almost a thing of the past. So who is trying the few complex commercial cases that go to trial? Bartlit Beck.

As shown in the chart below, over half our lawyers – partners and associates alike – have tried cases in each of the past five years. Our lawyers average 30-50 trial days per year. As the *American Lawyer* recognized, Bartlit Beck has a “near monopoly on lawyers with trial experience.”



Our trial experience gives us an advantage in knowing what really matters at trial. Because we know what matters at trial, clients feel comfortable turning to Bartlit Beck at all stages of a case. We handle cases from the outset and set in place a winning strategy, from before the first papers are filed all the way through the trial and any appeal. We have also developed a reputation for joining cases mid-stream when a client realizes that it needs sophisticated trial counsel. Whether we were involved in filing the complaint or took over shortly before trial, Bartlit Beck has achieved an unparalleled record of success.

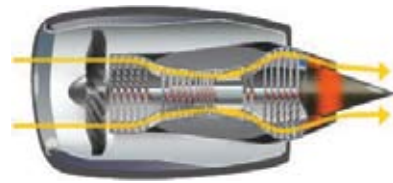


## APPROACH TO TRIAL

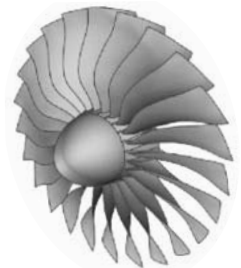
We make complex things simple. That's why we win.

We don't pick up all the rusty nails. We focus on what matters and what makes a difference. We focus on trial. All the time.

We win by showing the jury the evidence, rather than telling them why they should come out our way. We help them reach the right decision on their own.



To that end, we use technology to find, filter and present the key evidence. We use demonstratives and graphics to boil down the key concepts to a few memorable images, which become the anchors of our theory of the case.



We establish ourselves with the judge and jury as the teacher, the reliable source of information. Our credibility is everything.

We apply this approach to all types of complex commercial cases, including patent infringement claims, MDL product liability actions, accountants' liability cases, antitrust and breach of contract matters, and most other high-stakes litigation.

We also try cases all over the country, in federal and state court. We are just as comfortable in federal court in Chicago as we are in state court in Texas.

**“In terms of ... the ability to crystallize the most complex legal and factual environments in a graphic communication easily understood by court or jury ... Bartlit Beck lifts the definition of world class law firm to a new level.”**

*Bert Cornelison,  
General Counsel,  
Halliburton Company*

**“As I watched the Bartlit Beck team at trial, I could not have imagined a more focused and professional effort. Every cross-examination was crisp and cutting. Every witness we presented told a story and defended it calmly. This was precisely how a case should be presented in trial.”**

*William J. Brennan,  
General Counsel, BISSELL Inc.*

**“One of the three best law firms in America.”**

*Michael Roster, Former General Counsel of Stanford University and Former Chairman of the Association of Corporate Counsel*

# APPROACH TO FEES

**“Bartlit Beck’s approach to billing is a breath of fresh air.”**

*Russ Strobel,  
Chairman and CEO, Nicor, Inc.*

**Bartlit Beck “pioneered the use of alternative billing arrangements.”**

*Gardner G. Courson,  
Former General Counsel,  
Tyco Fire & Security*

**Bartlit Beck “thrives on alternative fee arrangements.”**

*ABA Commission  
on Billable Hours*

Our approach to fees is unique, but simple. We believe our interests should be aligned with our clients’. To that end, we think we should get paid more if we win and less if we lose.

We do not bill by the hour. A law firm should not get paid more the longer it takes it to do the same task. Yet that is exactly the incentive hourly billing promotes. As the *New York Times* recently recognized, “the practice of billing for each hour worked can encourage law firms to prolong a client’s problem rather than solve it.” Our approach to fees is different.

Our fees don’t depend on how long we can spend on a task or how many associates we can put on it.

Our fees depend on our success.

We employ a variety of fee arrangements, including flat monthly fees, partial contingency fees, and similar alternatives. In virtually every matter, some portion of our fee is based on the outcome of the case.

Our fees are fixed and certain, unlike the unpredictable hourly billing and the ever-changing and always-exceeded “budget” provided by most firms. Most of all, we are flexible, we share the risk, and our interests are aligned with our clients’.

This approach works for us because we leverage our experience and efficiency to get a positive result, rather than leveraging an army of associates to run up the hours.



## OUR OFFICES



Even our work spaces are unique.

Our Chicago offices occupy the turn-of-the-century Cook County courthouse. This historic landmark is where Clarence Darrow made his legendary plea against the death penalty defending Leopold and Loeb and where Shoeless Joe Jackson and the Chicago “Black Sox” were tried and acquitted of throwing the 1919 World Series. Carl Sandburg covered the trials from the press room.



We have a full-scale Courtroom, which we use for jury simulations, trial preparation and mock arguments. Our main conference room – the “Forum” – is a basketball court.

Our architectural award-winning Denver offices are located in Denver’s historic Lower Downtown (“LoDo”) neighborhood. Our Denver Forum looks over the Rocky Mountains and our client reception area has its own climbing wall.

Every aspect of our offices reflects our core beliefs in team play, a creative approach and winning results. As the *American Lawyer* recognized: “The layout tells you something about the firm.”

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